

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**BANK OF THE OZARKS**

**PETITIONER**

**VS.**

**NO. 4:08CV00334**

**HOUSING AUTHORITY OF THE CITY  
OF LITTLE ROCK, ARKANSAS;  
NEIGHBORHOOD BUILDERS, INC.  
(Formerly Little Rock Housing  
Redevelopment, Inc.); and  
MADISON HEIGHTS II, L.P.**

**RESPONDENTS**

**NEIGHBORHOOD BUILDERS, INC.**

**CROSS PLAINTIFF**

**VS.**

**HOUSING AUTHORITY OF THE  
CITY OF LITTLE ROCK, and  
MADISON HEIGHTS II, L.P.**

**CROSS DEFENDANTS**

**HOUSING AUTHORITY OF THE  
CITY OF LITTLE ROCK, ARKANSAS**

**CROSS PLAINTIFF**

**VS.**

**NEIGHBORHOOD BUILDERS, INC.**

**CROSS DEFENDANT**

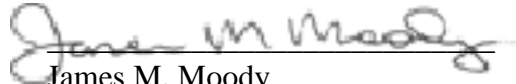
**ORDER**

Pending is Respondent/Cross-Defendant Madison Heights II, L.P.'s ("Madison Heights II") Motion to Dismiss Petitioner Bank of the Ozarks' (the "Bank") Petition for Interpleader and Respondent/Cross-Plaintiff Neighborhood Builders, Inc. f/k/a Little Rock Housing Redevelopment, Inc.'s ("NBI") Cross-Claim as to other Respondents. (Docket # 33). No objections have been filed.

Accordingly, for good cause shown, the motion is GRANTED. The claims against

Madison Heights II are hereby dismissed with prejudice. Inasmuch as Madison Heights II's discharge of any claim in ownership or interest is limited solely to the \$52,776 amount deposited into the registry of the First Division Circuit Court of Pulaski County, Arkansas, which amount was previously held in escrow by the Bank pursuant to the Madison Heights, Phase II Affiliate Reserve Escrow Agreement dated November 6, 2000 (the "Escrow"), Madison Heights II has not waived any other rights, interests, positions, claims or defenses, whether known or unknown, which it had, has or may have, with respect to any other amounts ever held in the Escrow, whether pursuant to contract, the Escrow or applicable law.

IT IS SO ORDERED this 16<sup>th</sup> day of June, 2008.

  
James M. Moody  
United States District Judge